IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

CRP.No. 842 of 2004()

AGAINST THE ORDER IN I.A.12/2004 IN A.S.1/2004 DATED 05/06/2004 ON THE FILE OF THE ADDITIONAL DISTRICT JUDGE'S COURT (ADHOC)-II, ERNAKULAM

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REVN. PETITIONER: PETITIONER:APPELLANT:

CHANDRAN, SON OF VELAYUDHAN PILLAI,
VELIPARAMBIL VEEDU, EROOR NORTH,
TRIPUNITHURA, ERNAKULAM DISTRICT.

BY ADV. SRI.T.B.THANKAPPAN
SRI.R.GIRISH

RESPONDENT: RESPONDENT:

SUBHADRAMMA, DAUGHTER OF
KARTHYAYANI AMMA, VELIPARAMBIL HOUSE,
EROOR NORTH, TRIPUNITHURA.

BY ADV. SRI.K.P.ARAVINDAKSHAN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 13/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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C.R.P. No.842 of 2004

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Dated: 13th July, 2007

ORDER

Heard Mr.T.B.Thankappan, learned counsel for the petitioner and Mr.K.P.Aravindakshan, learned counsel for the respondent. Both the learned counsel submit that going by the latest pronouncement of law by the Supreme Court, the proper remedy available to the petitioner may be to file a Second Appeal raising the ground that the lower appellate court should have condoned the delay caused in the matter of filing the first appeal by the petitioner. In view of the above submission, I dispose of the C.R.P. relegating the petitioner to the remedy by way of S.A. The time during which this C.R.P. is pending before this court and a further period of three weeks from today will be excluded from the reckoning for the purpose of Section 14 of the Indian Limitation Act.

srd **PIUS C.KURIAKOSE, JUDGE**